



Senate

General Assembly

File No. 257

February Session, 2016

Substitute Senate Bill No. 120

Senate, March 29, 2016

The Committee on Public Safety and Security reported through SEN. LARSON of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE AUTHORITY OF DEPUTY FIRE MARSHALS AND FIRE INSPECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) The State Fire Marshal and the Codes and Standards Committee,
4 acting jointly, shall adopt minimum standards of qualification for local
5 fire marshals, deputy fire marshals, fire inspectors and such other
6 classes of fire code inspectors and fire investigators as they deem
7 necessary. For local fire marshals, deputy fire marshals and fire
8 inspectors, such standards shall include a requirement that the person
9 has (1) at least three years' experience (A) in fire suppression or fire
10 prevention activities, (B) in responding and controlling releases or
11 potential releases of hazardous materials, (C) in inspection activities
12 concerning the fire safety or prevention code or hazardous materials,
13 (D) in the investigation of the cause and origin of fires and explosions,

14 or (E) as a sworn member of the Division of State Police within the
15 Department of Emergency Services and Public Protection or an
16 organized local police department, or (2) equivalent experience as
17 determined by the State Fire Marshal and the Codes and Standards
18 Committee.

19 (b) The State Fire Marshal and the Codes and Standards Committee
20 shall (1) prepare and conduct oral, written or practical examinations to
21 determine if a person is qualified to be certified, or (2) accept
22 successful completion of programs of training developed by agencies
23 or institutions and approved by them as proof of qualification for
24 certification, or (3) prepare and conduct a training program, the
25 successful completion of which shall qualify a person to be certified.
26 Upon determination of the qualification of a local fire official under
27 subdivision (1), (2) or (3) of this subsection, the State Fire Marshal and
28 the Codes and Standards Committee shall issue or cause to be issued a
29 certificate to such person stating that the person is certified. The State
30 Fire Marshal and the Codes and Standards Committee shall establish
31 classes of certification that will recognize the varying involvements of
32 such local fire officials. Local fire marshals, deputy fire marshals, fire
33 inspectors and other fire code inspectors or fire investigators holding
34 office in any municipality shall be certified in accordance with
35 subdivision (1), (2) or (3) of this subsection. On or after October 1, 1979,
36 no local fire marshal, deputy fire marshal, fire inspector or other fire
37 code inspector or fire investigator shall be appointed or hired unless
38 such person is certified and any such person shall be removed from
39 office if such person fails to maintain certification. The State Fire
40 Marshal and the Codes and Standards Committee shall conduct
41 educational programs designed to assist such local fire officials in
42 carrying out the duties and responsibilities of their office. Such
43 educational programs for local fire marshals, deputy fire marshals and
44 fire inspectors shall be in addition to the programs specified under
45 subdivisions (2) and (3) of this subsection and shall consist of not less
46 than ninety hours of training over a three-year period. The State Fire
47 Marshal and the Codes and Standards Committee shall establish the
48 minimum hours of training for the other classes of fire code inspectors

49 and fire investigators, which shall recognize the varying involvements
50 of such officials. Each local fire official shall attend such training
51 programs or other approved programs of training and present proof of
52 successful completion to the State Fire Marshal. The State Fire Marshal
53 may, after notice and opportunity for hearing, and with the
54 participation of one or more members of the Fire Marshal Training
55 Council, revoke any certificate issued under the provisions of this
56 subsection for failure on the part of a local fire official to present such
57 proof. Any local fire marshal, deputy fire marshal, fire inspector or
58 other fire code inspector or fire investigator who wishes to retire his or
59 her certificate may apply to the State Fire Marshal and the Codes and
60 Standards Committee to have such certificate retired and be issued a
61 certificate of emeritus. Such retired local fire official may no longer
62 hold himself or herself out as a certified local fire official.

63 (c) No local fire marshal, deputy fire marshal, fire inspector or other
64 fire code inspector or fire investigator acting for a local fire marshal,
65 who is charged with the enforcement of this part, may be held
66 personally liable for any damage to persons or property that may
67 result from any action that is required or permitted in the discharge of
68 his or her official duties while acting for a municipality or fire district.
69 Any legal proceeding brought against any such fire marshal, deputy
70 fire marshal, fire inspector or other fire code inspector or fire
71 investigator because of any such action shall be defended by such
72 municipality or fire district. No such fire marshal, deputy fire marshal,
73 fire inspector or other fire code inspector or fire investigator may be
74 held responsible for or charged with the costs of any such legal
75 proceeding. Any officer of a local fire marshal's office, if acting without
76 malice and in good faith, shall be free from all liability for any action or
77 omission in the performance of his or her official duties.

78 (d) Except as provided in this subsection, each [certified] deputy fire
79 marshal, fire inspector or other fire code inspector or fire investigator,
80 certified pursuant to this section, shall act under the direction and
81 supervision of the local fire marshal while enforcing the provisions of
82 this part. The local fire marshal may authorize, in writing, such deputy

83 fire marshal or fire inspector to issue any permit, [or] order or citation
84 under the provisions of this part or to certify compliance with the
85 provisions of this part, on his or her behalf. If no local fire marshal has
86 been appointed in accordance with the provisions of section 29-297, as
87 amended by this act, the deputy fire marshal or acting fire marshal
88 shall assume the authority granted to the local fire marshal under this
89 section.

90 Sec. 2. Section 29-297 of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective July 1, 2016*):

92 (a) The board of fire commissioners or, in the absence of such board,
93 any corresponding authority of each town, city or borough, or, if no
94 such board or corresponding authority exists, the legislative body of
95 each city, the board of selectmen of each town or the warden and
96 burgesses of each borough, or, in the case of an incorporated fire
97 district, the executive authority of such district shall appoint a local fire
98 marshal and such deputy fire marshals, fire inspectors and other fire
99 code inspectors or fire investigators as may be necessary. In making
100 such appointment, preference shall be given to a member of the
101 regular or volunteer fire department of such municipality. Each local
102 fire marshal shall be sworn to the faithful performance of his or her
103 duties by the clerk of the town, city, borough or fire district and shall
104 continue to serve in that office until removed for cause. Such clerk
105 shall record his or her acceptance of the position of local fire marshal
106 and shall report the same in writing to the State Fire Marshal within
107 ten days thereafter, giving the name and address of the local fire
108 marshal and stating the limits of the territory in which the local fire
109 marshal is to serve.

110 (b) The board of fire commissioners or, in the absence of such board,
111 any corresponding authority of each town, city or borough or, if no
112 such board or corresponding authority exists, the legislative body of
113 each city, the board of selectmen of each town or the warden and
114 burgesses of each borough or, in the case of an incorporated fire
115 district, the executive authority of such district may, upon the death,

116 disability, dismissal, retirement or revocation of certification of the
117 local fire marshal, and in the absence of an existing deputy fire
118 marshal, appoint a [certified] deputy fire marshal as the acting fire
119 marshal for a period not to exceed one hundred eighty days.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2016</i> | 29-298 |
| Sec. 2 | <i>July 1, 2016</i> | 29-297 |

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| Section 1 | <i>July 1, 2016</i> | 29-298 |
| Sec. 2 | <i>July 1, 2016</i> | 29-297 |

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which gives local fire marshals the authority to delegate to deputy fire marshals or fire inspectors their authority to write citations for fire code violations, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 120*****AN ACT CONCERNING THE AUTHORITY OF DEPUTY FIRE MARSHALS AND FIRE INSPECTORS.*****SUMMARY:**

This bill gives local fire marshals the authority to delegate to deputy fire marshals or fire inspectors their authority to write citations for fire code violations, just as they may currently delegate their authority to issue orders or permits. The bill also makes technical and conforming changes, mostly clarifying that the inspectors and investigators referred to in the laws concerning the appointment and qualifications of local fire officials are fire code inspectors and fire investigators.

EFFECTIVE DATE: July 1, 2016

BACKGROUND***Citations***

By law, the state fire marshal and local fire marshals may issue citations, instead of orders, for certain fire code violations. A citation must contain, among other things, the specific offense charged and must be signed by the fire official. A citation for a violation of the state Fire Prevention Code subjects a violator to a fine of up to \$250 (CGS § 29-291c).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/10/2016)